

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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LUIS FUENTES, on behalf of himself and all  
others similarly situated,  
WALTER QUINTANILLA and  
NERY A. SARAVIA JANDRES, individually,

Plaintiffs,

- against -

CV 12-5485 (AKT)

J.M. IABONI LANDSCAPING, INC. d/b/a  
J.M. IABONI LANDSCAPING, and  
JOHN IABONI, an individual,

Defendants.

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**ORDER APPROVING SETTLEMENT  
AND DISMISSAL WITH PREJUDICE OF CLAIMS**

**A. KATHLEEN TOMLINSON, Magistrate Judge:**

The Court, having reviewed the Complaint filed in this case by Plaintiffs LUIS FUENTES, WALTER QUINTANILLA and NERY A. SARAVIA JANDRES (the "Plaintiffs") as well as the Answer filed by Defendants J. M. IABONI LANDSCAPING, INC. d/b/a J.M. IABONI LANDSCAPING, and JOHN IABONI (the "Defendants") (collectively, the "Parties") and having carefully considered the applicable case law, and for good cause shown, hereby **ORDERS, ADJUDGES and DECREES** that:

1. The Settlement Agreement & General Release ("Settlement Agreement"):

(a) is the result of arm's length negotiations and is fair to all Parties; (b) reasonably resolves a bona fide disagreement between the Parties with regard to the merits of the Plaintiffs' claims; and (c) demonstrates a good faith intention by the Parties (i) to fully and finally resolve the Plaintiffs'

claims for liability and damages and (ii) not to re-litigate in whole or in part at any point in the future the claims raised in this litigation or which could have been raised in this litigation concerning the Plaintiffs' wages while employed by the Defendants. This Settlement Agreement is therefore **APPROVED** by the Court.

2. This lawsuit and the claims of the Plaintiffs asserted in it are **DISMISSED, WITH PREJUDICE**, in their entirety.
3. Each party shall bear his/its own costs, except as provided to the contrary in the Settlement Agreement.

4. The attorneys' fees provided for in the Settlement Agreement are a fair and reasonable reflection of the services rendered to the Plaintiffs by their counsel, Shulman Kessler LLP.

**SO ORDERED.**

Dated: Central Islip, New York  
July 12, 2013

  
A. KATHLEEN TOMLINSON  
United States Magistrate Judge